

BEFORE THE BOARD OF MEDICAL EXAMINERS OF THE STATE OF IOWA

IN THE MATTER OF THE STATEMENT OF CHARGES AGAINST

KENNETH H. MOON, D.O., RESPONDENT

No. 03-97-257

SETTLEMENT AGREEMENT and FINAL ORDER

COMES NOW the Iowa Board of Medical Examiners (the Board), and
Kenneth H. Moon, D.O., (Respondent), on 10/4, 2000, and pursuant to
Iowa Code sections 17A.10(2) and 272C.3(4), and enter into this Settlement Agreement
and Final Order to resolve the contested case currently on file.

1. Respondent was issued license number 02033 to practice medicine and surgery
in Iowa on June 8, 1984. Respondent's Iowa medical license is current and will next expire
on January 1, 2002.

2. A Statement of Charges was filed against Respondent on April 6, 2000, and
is awaiting hearing.

3. The Board has jurisdiction over the parties and subject matter.

4. Respondent is hereby **CITED** for violating the minimum standard of care in the practice of medicine when, in 1997, he inappropriately pre-signed; annual re-certification for treatment forms, dosing exception forms, exception request forms, treatment plans, and methadone assessment forms for numerous methadone treatment patients. Respondent is hereby **WARNED** that future violations of the minimum standard of care in the practice of medicine may result in the suspension or revocation of your Iowa medical license.

5. Immediately upon the Board's approval of this Settlement Agreement and Final Order, Respondent shall be assessed a civil penalty in the amount of \$1,000. The civil penalty shall be paid within 20 days thereafter by delivery of a check or money order, payable to the Treasurer of Iowa, to the executive director of the Board. The civil penalty shall be deposited into the state general fund.

6. In the event Respondent violates or fails to comply with any of the terms or conditions of this Settlement Agreement and Final Order, the Board may initiate action to suspend or revoke Respondent's Iowa medical license or to impose other license discipline as authorized in Iowa Code Chapters 148 and 272 and 653 IAC 12.2.


7. This Settlement Agreement and Final Order constitutes the resolution of a contested case proceeding.

8. By entering into this Settlement Agreement and Final Order, Respondent voluntarily waives any rights to a contested case hearing on the allegations contained in the Statement of Charges, and waives any objections to the terms of this Settlement Agreement.

9. This Settlement Agreement and Final Order, is voluntarily submitted by Respondent to the Board for consideration.

10. This Settlement Agreement and Final Order is subject to approval of the Board. If the Board fails to approve this Settlement Agreement and Final Order, it shall be of no force or effect to either party.

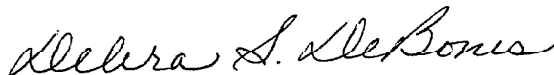
11. The Board's approval of this Settlement Agreement and Final Order shall constitute a **Final Order** of the Board.



Kenneth H. Moon, D.O., Respondent

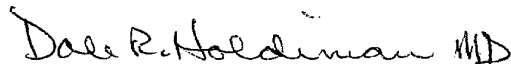
Subscribed and sworn to before me on OCT 10, 2000.

Notary Public, State of



This Settlement Agreement and Final Order is approved by the Board on

November 16, 2000.



Dale R. Holdiman, M.D., Chair
Iowa Board of Medical Examiners
400 SW 8th Street, Suite C
Des Moines, Iowa 50309-4686

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IN THE MATTER OF THE STATEMENT OF CHARGES AGAINST

KENNETH H. MOON, D.O., RESPONDENT

No. 03-97-257

STATEMENT OF CHARGES

COMES NOW the Iowa Board of Medical Examiners (the Board), on April 6, 2000, and files this Statement of Charges against Kenneth H. Moon, D.O., (Respondent), a physician licensed pursuant to Chapter 147 of the Code of Iowa and alleges:

1. Respondent was issued license number 02033 to practice medicine and surgery in Iowa on June 8, 1984.
2. Respondent's Iowa medical license is current and will next expire on January 1, 2002.
3. The Board has jurisdiction in this matter pursuant to Iowa Code Chapters 147, 148 and 272C.

COUNT I

4. Respondent is charged with professional incompetency pursuant to Iowa Code section 147.55(2), 148.6(2)(g), (i), and 272C.10(2) (1999), and 653 IAC sections 12.4(2)(b), (c), and (d), by demonstrating one or more of the following:

- a) A substantial deviation from the standards of learning or skill ordinarily possessed and applied by other physicians or surgeons in the state of Iowa acting in the same or similar circumstances;
- b) A failure by a physician or surgeon to exercise in a substantial respect that degree of care which is ordinarily exercised by the average physician or surgeon in the state of Iowa acting in the same or similar circumstances; and
- c) A willful or repeated departure from, or the failure to conform to, the minimal standard of acceptable and prevailing practice of medicine and surgery in the state of Iowa.

CIRCUMSTANCES

5. The Board has received information indicating that Respondent, on numerous occasions in 1997, utilized pre-signed prescriptions for methadone and allowed a non-physician, lacking DEA credentials, to adjust the dosage of methadone provided to numerous patients.

On this the 6th day of April, 2000, the Iowa Board of Medical Examiners finds probable cause to file this Statement of Charges.

Dale R. Holdiman MD
Dale R. Holdiman, M.D., Chair
Iowa Board of Medical Examiners
400 SW 8th Street, Suite C
Des Moines, Iowa 50309-4686

c: Theresa O'Connell Weeg, Esq., Assistant Attorney General
Presiding Administrative Law Judge
Assigned Investigator